

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERETT HADIX, *et al.*,

Plaintiffs,

v.

PATRICIA L. CARUSO, *et al.*,

Defendants.

Case No. 4:92-CV-110

Hon. Richard Alan Enslen

**ORDER COMPELLING CLASS
NOTICE**

Plaintiffs have moved for the entry of an order compelling class notice. While Defendants have kept copies of judicial orders on file in the JMF and RGC law libraries for prisoner review and have allowed prisoner meetings with counsel, they have refused to keep copies of Plaintiffs' motions, briefs and non-sealed exhibits¹ seeking judicial relief. Notice as to these matters is important to class members to be informed about the content and effectiveness of Plaintiffs' counsel. This is especially so since Defendants are presently seeking to transfer the affected prisoners to *non-Hadix* facilities. Sufficient notice to class members of counsel's representation is required both by Federal Rule of Civil Procedure 23(d) and Michigan Rule of Professional Conduct 1.4(a). *See also Doe v. Gen Hosp. of D.C.*, 434 F.2d 427, 433 (D.C. Cir. 1970). Retaining copies of such papers in the two prisoner libraries is the most effective manner of accomplishing this notice.

¹Plaintiffs do not request an order compelling Defendants to retain for study copies of sealed exhibits. These exhibits obviously cannot be studied by the whole class of prisoners because they contain confidential medical information of individual prisoners.

THEREFORE, IT IS IS HEREBY ORDERED that Plaintiffs' Motion for Order Pursuant to Rule 23 (Dkt. No. 2378) is **GRANTED** and Defendants are **ORDERED** to retain copies of the disputed papers, and similar future filings, in the law libraries for the purpose of prisoner review.

DATED in Kalamazoo, MI:
April 16, 2007

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE